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In re Application of:

ASADA, TOSHIAKI et al

Serial No.: 10/796,032 *10/533,279*

Filed: Oct. 14, 2005

Docket: 125284

Title: VARIABLE VALVE MECHANISM

Decision on Petition to
Withdraw Holding of
Abandonment

This is a decision on the petition filed Jul. 11, 2008 requesting the holding of abandonment be withdrawn. This petition is being considered pursuant to 37 CFR § 1.181. No fee is required.

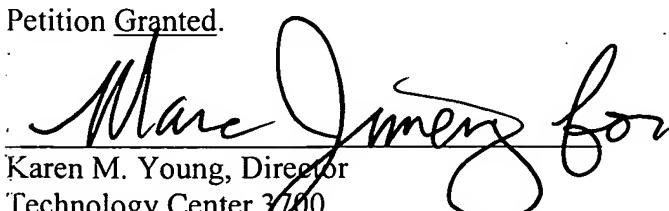
The petition is Granted.

The application was held abandoned for failure to timely and properly reply to the Notice of Allowance mailed Mar. 31, 2008. The Office action set a three (3) month period for the applicant to pay the issue fee. No issue fee was paid. It is noted that the notice of abandonment has not been mailed for failure to pay the issue fee.

On Jul. 11, 2008, the current petition was filed. In support of the request, petitioner stated that the Notice of Allowance of Mar. 31, 2008 was never received at the correspondence address of record. The petition also included a copy of the printout of the case summary for its docketing department showing the non-receipt of the Notice of Allowance mailed on Mar. 31, 2008. Moreover, the Notice of Allowance was in fact returned by the USPTO on Apr. 2, 2008 as undeliverable without any explanation. The address on the Notice of Allowance appears to be correct as indicated in PALM.

As the petitioner has provided convincing evidence that the Notice of Allowance was not received. There is no abandonment in fact. Any inconvenience or delay caused to applicant is regretted. In view of the above, the holding of abandonment is withdrawn. A new Notice of Allowance will be re-mailed in due course.

Petition Granted.


Karen M. Young, Director
Technology Center 2000